

Petition For Revival Of An Application For Patent Abandoned Unintentionally  
Under 37 CFR 1.137(b) (Large Entity)

Docket No.  
RDID 01056 US

In Re Application Of: Effenhauser

Serial No.  
09/943,080

Filing Date  
08/30/2001

Examiner  
David McCrosky

Group Art Unit  
3736

Invention: System for Withdrawing Small Amounts of Body Fluid

RECEIVED

FEB 20 2004

OFFICE OF PETITIONS

Attention: Office of Petitions  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified notice or action:

☐ is enclosed. ☒ was filed on December 5, 2003

The proposed reply is in the form of: Amendment & Request for Extension of Time (See enclosed)

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on 02/19/2004 AWONDAF1 00000081 022958 09943080  
01 FC:1453 1330.00 DA

3. ☒ The abandoned application was a:

☒ design application ☒ utility application. ☐ plant application.  
02/19/2004 AWONDAF1 00000081 022958 09943080  
01 FC:1453 1330.00 DA

4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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**3736**

Invention: **System for Withdrawing Small Amounts of Body Fluid**

**Calculation and Payment of Fees**

Enclosed are the following fees:

6. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$1,330.00
7. ☐ Fee for amendment in the amount of: \_\_\_\_\_
8. ☐ Fee for extension of time to respond to Office Action in the amount of: \_\_\_\_\_
9. ☐ Issue fee in the amount of: \_\_\_\_\_
10. ☐ Continuing application filing fee in the amount of: \_\_\_\_\_
11. ☐ Terminal disclaimer fee in the amount of: \_\_\_\_\_
12. ☐ \_\_\_\_\_

Total fees enclosed: \$1,330.00

The fee of **\$1,330** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to  
Deposit Account No. **02-2958**

**Petition For Revival Of An Application For Patent Abandoned Unintentionally  
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**08/30/2001**

Examiner  
**David McCrosky**

Group Art Unit  
**3736**

Invention: **System for Withdrawing Small Amounts of Body Fluid**

**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

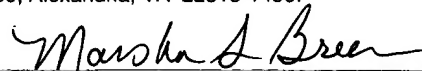


*Signature*

Dated: **February 10, 2004**

**Sujatha Subramaniam, Reg. No. 48,739**  
**Customer Number: 23690**

I certify that this document and fee is being deposited  
on **2/10/04** with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Mail Stop Petition, Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22313-1450.



*Signature of Person Mailing Correspondence*

**Marsha S. Breen**

*Typed or Printed Name of Person Mailing Correspondence*

CC:



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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www.uspto.gov

RD10 01056 US  
(RK)

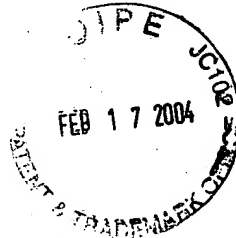
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,080	08/30/2001	Carlo Effenhauser	RD1001056US	7687

7590 12/30/2003  
Roche Diagnostics Corporation  
9115 Hague Road, Bldg. D  
P.O. Box 50457  
Indianapolis, IN 46250-0457

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FEB 20 2004

OFFICE OF PETITIONS



EXAMINER

MCCROSKY, DAVID J

ART UNIT PAPER NUMBER

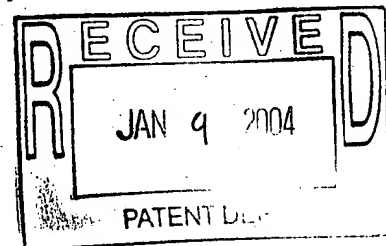
3736

DATE MAILED: 12/30/2003

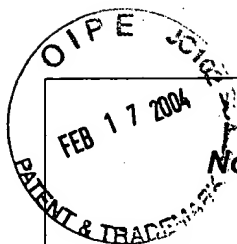
Please find below and/or attached an Office communication concerning this application or proceeding.

Called Examiner on 1/12/04  
re: NOA to confirm we could  
ignore per telephone conversation  
on 1/5/04. He has received  
the For of the amendment & SET.  
we sent on 1/5/04.

-M/Breen



RECEIVED 1/9/04  
INITIALS  
DATE SET TO Notice of Abandonment  
mailed 12/30/03  
status check 2/12/04  
per SS



# Notice of Abandonment

Application No.

09/943,080

Examiner

David J. McCrosky

Applicant(s)

EFFENHAUSER ET AL.


Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 06 June 2003.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

  
ERIC F. WINKLER  
PRINCE GEORGE, MD

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>03/4/04</u>		2 Serial/Patent # <u>09/943,080</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
<input type="checkbox"/>	Filing			\$							
<input type="checkbox"/>	Amendment			\$							
<input type="checkbox"/>	Extension of Time			\$							
<input type="checkbox"/>	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition	12	2/17/04	\$ 1330.00							
<input type="checkbox"/>	Issue			\$							
<input type="checkbox"/>	Cert of Correction/Terminal Disc.			\$							
<input type="checkbox"/>	Maintenance			\$							
<input type="checkbox"/>	Assignment			\$							
<input type="checkbox"/>	Other			\$							
		7 TOTAL AMOUNT OF REFUND		\$ 1330.00							
10 REASON:		8 TO BE REFUNDED BY:									
<input type="checkbox"/>	Overpayment	Treasury Check									
<input type="checkbox"/>	Duplicate Payment	Credit Deposit A/C #:									
<input checked="" type="checkbox"/>	No Fee Due (Explanation):	9 <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">0</td> <td style="width: 20px; text-align: center;">2</td> <td style="width: 20px; text-align: center;">--</td> <td style="width: 20px; text-align: center;">2</td> <td style="width: 20px; text-align: center;">9</td> <td style="width: 20px; text-align: center;">5</td> <td style="width: 20px; text-align: center;">8</td> </tr> </table>			0	2	--	2	9	5	8
0	2	--	2	9	5	8					
<u>Office error</u>											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Kenya A. McLaughlin</u>		TITLE: <u>Petitions Acty.</u>									
SIGNATURE: <u>Kenya A. McLaughlin</u>		PHONE: <u>305-207105</u>									
OFFICE: <u>Petitions</u>											
*****											
THIS SPACE RESERVED FOR FINANCE USE ONLY:											
APPROVED: <u>[Signature]</u>		DATE: <u>3/4/04</u>									

*Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file (and mail or hand-carry to:*